

Notice of Allowability

Application No.

10/717,875

Examiner

Drew E. Becker

Applicant(s)

FELDMER, ROBERT H.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for pre-appeal review of 8/8/06.
2. ☒ The allowed claim(s) is/are 1-6 and 9-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-6 and 9-20 are allowed.
2. The following is an examiner's statement of reasons for allowance: the process for ultrahigh temperature pasteurization of a liquid food product using a pasteurization arrangement having a first product-to-product regenerative heat exchanger, a first heater stage, a second product-to-product regenerative heat exchanger, and a UHT heater stage of independent claim 1 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious at least flowing the liquid food product at said intermediate temperature through a timing tube to hold the product at said intermediate temperature for a predetermined time sufficient for denaturing said proteins therein, wherein said predetermined intermediate temperature at which said denaturing occurs is substantially 175 degrees F, and wherein said predetermined time that said timing tube holds the product at said intermediate temperature is at least sixty seconds;
the process for ultrahigh temperature pasteurization of a liquid food product using a pasteurization arrangement having a first product-to-product regenerative heat exchanger, a first heater stage, a second product-to-product regenerative heat exchanger, and a UHT heater stage of independent claim 11 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious at least supplying said liquid food product through a raw-product side of said first regenerative heat exchanger to pre-heat same said preheated liquid food product exiting the first heat exchanger to a predetermined intermediate temperature sufficient for denaturizing

Art Unit: 1761

proteins in the liquid food product, wherein said predetermined intermediate temperature at which said denaturing occurs is substantially 175 degrees F, and maintaining the liquid food product in a timing tube to hold the product at said intermediate temperature for a predetermined time of at least sixty seconds;

the process for ultrahigh temperature pasteurization of a liquid food product using a pasteurization arrangement having a product-to-product regenerative heat exchanger and a UHT heater stage of independent claim 13 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious at least supplying said liquid food product through a raw-product side of said regenerative heat exchanger to pre-heat same, including denaturizing proteins in the liquid food product by holding the liquid food product in a timing tube for a predetermined time at a predetermined intermediate temperature, wherein said predetermined intermediate temperature at which said denaturing occurs is substantially 175 degrees F, and wherein said predetermined time that said timing tube holds the product at said intermediate temperature is at least sixty seconds, and preheating the liquid food product from said to a temperature near a UHT pasteurizing temperature.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E. Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Fri. 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DREW BECKER
PRIMARY EXAMINER
11-20-06